

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MAURICE HUGHLEY,

Petitioner,

v.

No.: 3:05-cv-234

SHERIFF JIM BERRONG,

Respondent.

MEMORANDUM AND ORDER

Petitioner has filed a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner's application to proceed *in forma pauperis* is **GRANTED**. The Clerk is **DIRECTED** to file this action without prepayment of costs or other fees as of the date the petition was received and to serve a copy of the petition and this Memorandum and Order on the respondent. However, for the reasons stated below, the respondent shall not be required to file an answer or other pleading to the petition and this petition is **DISMISSED**.

Petitioner is a federal pretrial detainee on fraud and forgery charges. *United States v. Maurice E. Hughley*, Criminal Action No. 3:03-cr-029 (E.D. Tenn.). He alleges in a rambling, somewhat illegible petition, that the government lacked jurisdiction to arrest him and that his confinement is therefore illegal. The criminal record indicates that petitioner was indicted by the United States on March 5, 2003, and a warrant issued for his arrest. The warrant was returned executed on March 13, 2003, and on that date the petitioner was

ordered detained by Magistrate Judge William Prince. Petitioner's criminal charges remain pending. There is nothing in the record to suggest that petitioner's arrest and detention were improper or that the government lacked jurisdiction to have him arrested. Accordingly, petitioner's habeas corpus petition lacks merit.

Because it plainly appears from the face of the petition and the annexed exhibits that petitioner is not entitled to any habeas corpus relief in this court, the petition for the writ of habeas corpus is **DISMISSED**. Rule 4 of the RULES GOVERNING SECTION 2254 CASES IN THE UNITED STATES DISTRICT COURTS. The Clerk is **DIRECTED** to notify the petitioner of this Order and to close this file. A certificate of appealability **SHALL NOT ISSUE** in this action. 28 U.S.C. § 2253(c).

In addition to the above, this Court has carefully reviewed this case pursuant to 28 U.S.C. § 1915(a) and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal. *See* Rule 24 of the FEDERAL RULES OF APPELLATE PROCEDURE.

ENTER :

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE